



04-07-05

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PATENT
ATTORNEY DOCKET NO. 04265293

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:

Marcus Braun

Serial No.: 10/815,411

Filing Date: April 1, 2004

For: SURGICAL INSTRUMENT

Group Art Unit: 3731

Examiner: UNKNOWN

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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By: Timothy Hubalik


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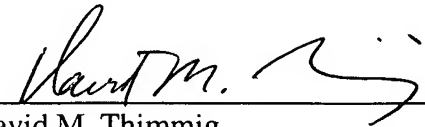
Dear Sir:

Transmitted herewith for the above-captioned patent application are:

1. Information Disclosure Statement Under 37 C.F.R. §1.97(b);
2. Form PTO/SB/08A Information Disclosure Statement by Applicant with copies of references listed therein, an abstract and a foreign search report; and
3. Postcard acknowledging receipt of same.

If there are any additional fees due in connection with the filing of this Response, please charge the fees to our Deposit Account No. 13-0019.

Respectfully submitted,

By 
David M. Thimmig
Attorney Reg. No. 36,034

Dated: April 6, 2005

MAYER, BROWN, ROWE & MAW LLP
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(312) 701-8593
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[Signature]

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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the references listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed prior to the mailing of a first Office Action on the merits, and therefore it is believed that no fee is due with this submission.

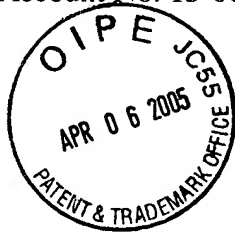
Copies of the listed documents are attached along with an English language abstract for the non-English document is enclosed. Also enclosed is a copy of a foreign search report.

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration of relevant portions thereof by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed references are material or constitute "prior art." If it should be determined that the listed references do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such references.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this statement, please charge the fee to our Deposit Account No. 13-0019.



Respectfully submitted,

By David M. Thimmig
David M. Thimmig
Attorney Reg. No. 36,034

Dated: April 6, 2005

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Substitute for form 1449/PTO

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Complete if Known

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| Application Number | 10/815.411 |
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| Filing Date | April 1, 2004 |
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| First Named Inventor | Marcus Braun |
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| Art Unit | 3731 |
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| Examiner Name | Unknown |
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| Attorney Docket Number | 04265293 |
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U. S. PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
| | | Country Code ³ Number ⁴ Kind Code ⁵ (if known) | | | | |
| | | DE 10036108 A1 | 11/15/2001 | Schwarz, Knut M | | |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.